

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**IN RE GENETICALLY MODIFIED
RICE LITIGATION**

**4:06 MD 1811 CDP
ALL CASES**

JOINT STATEMENT OF LEAD COUNSEL

Pursuant to Case Management Orders (CMO) Nos. 4 and 5, Lead Counsel for Plaintiffs and Defendants have met and conferred as directed in said Orders and report to the Court as follows:

I. JURISDICTIONAL ISSUES

A. Discovery Directed to Domestic Defendants.

On June 7, 2007, Plaintiffs in the Consolidated Complaint served 59 Requests for Production and on June 29, 2007 served 10 Interrogatories directed to each of the domestic Defendants.

1. Requests for Production. Defendants provided to Plaintiffs responses to the Requests for Production on July 27, 2007, and supplemental responses on September 14, 2007. Documents have been produced on a rolling basis on July 27, August 3, August 17, August 31, September 14, September 28, October 19 and November 17, 2007. As of the date of the last status conference, held on September 20, 2007, Defendants had produced approximately 158,849 pages of documents responsive to the Jurisdictional Requests for Production. Since then, Defendants have produced an additional 76,364 pages of documents for a total of 235,213 pages in response to the jurisdictional requests for production. Defendants have agreed to

produce a limited number of additional documents. Defendants are presently processing those documents and plan to produce them on or before December 15, 2007. Counsel have met and conferred successfully on multiple occasions in good faith attempts to resolve objections to the Requests for Production. That process continues and the parties anticipate that most, if not all, remaining objections will be resolved.

2. Interrogatories. Defendants provided Plaintiffs responses to the Interrogatories on August 28, 2007. Counsel have met and conferred successfully on multiple occasions in good faith, attempting to resolve objections to Interrogatories. That process continues and the parties anticipate that most, if not all, remaining objections will be resolved.

B. Discovery Directed to Foreign Defendants.

On October 28, 2007, Plaintiffs in the Consolidated Complaint served 86 Requests for Production and on November 7, 2007, Plaintiffs served 10 Interrogatories directed to each of the foreign Defendants.

1. Requests for Production. Defendants' responses to the Requests for Production are due on December 12, 2007. Defendants file herewith a Motion for Protective Order which seeks to prohibit, or severely restrict, the production of documents in response to the Requests for Production. The parties will brief this motion and will be prepared to argue the motion at the Status Conference on November 29, 2007.

2. Interrogatories. Defendants' responses to the Interrogatories are due on January 7, 2008. Defendants are reviewing the Interrogatories. It is anticipated timely responses will be served and counsel will meet and confer in good faith in an attempt to resolve any objections.

C. Briefing and Hearing on the Jurisdictional Motions.

In CMO 5, the Court set a briefing schedule commencing on February 29, 2008, and concluding on March 31, 2008.

(Plaintiffs' position is that due to unexpected delays in completing jurisdictional discovery, an extension of the deadlines previously set by the Court is necessary. Plaintiffs disagree with Defendants' contention that the jurisdictional briefing needs to be completed before the class certification hearing. Plaintiffs are, nonetheless, willing to acquiesce to this point at this time, and their proposed briefing schedule set forth below accomplishes that objective. Plaintiffs propose that each deadline in the jurisdictional briefing schedule be extended for the same six week time period that Defendants seek to extend their response date to the class certification motion. These extensions would result in Plaintiffs' brief in opposition to the jurisdictional motions being due April 11, 2008, Defendants' reply being due on May 2, 2008, and Plaintiffs' surreply being due on May 12, 2008. Plaintiffs propose that the hearing on the jurisdictional motions be held on May 21, 2008 – the day before the class certification hearing – so that non-local counsel may attend and participate in the hearings on both motions during the same trip.)

[Defendants' position is that they would like to resolve the threshold issue of jurisdiction as early as reasonably possible. If Defendants' Motion for Protective Order Regarding Jurisdictional Motions is granted, Defendants do not seek relief from the present briefing schedule and request a hearing on any date as is convenient to the Court from and including April 14, 2007. In the event that Defendants' Motion for Protective Order is denied, Defendants believe the present schedule will need to be delayed for a substantial period of time so that briefing does not commence until such time has as Defendants can reasonably produce the documents requested by Plaintiffs and allowed by the Court. Moreover, the briefing, expert

disclosure, and hearing schedule relating to class certification would need to be adjusted accordingly if jurisdictional issues are to be resolved prior to the hearing on class certification.]

II. MERITS DISCOVERY

A. Plaintiffs' Discovery Directed to Domestic Defendants in the Consolidated Complaint.

Plaintiffs served 69 Requests for Production on each of the domestic Defendants in the Consolidated Complaint on July 6, 2007. Plaintiffs served 19 Interrogatories on July 10, 2007.

1. **Requests for Production.** Defendants served responses to the Requests for Production on August 20, 2007, and supplemental responses on September 14, 2007. Documents have been produced on a rolling basis. To date, Defendants have produced a total of approximately 521,505 pages of documents – of which approximately 233,136 of those pages were responsive to both jurisdictional and merits requests. Counsel have met and conferred successfully on multiple occasions in good faith attempts to resolve objections to the Requests for Production. That process continues and the parties anticipate that most, if not all, remaining objections will be resolved.

2. **Interrogatories.** Defendants served responses to the Interrogatories on September 10, 2007. Counsel have met and conferred successfully on multiple occasions in good faith attempts to resolve objections to the Interrogatories. That process continues and the parties anticipate that most, if not all, remaining objections will be resolved.

B. Defendants' Discovery Directed to the Producer Plaintiffs.

1. Named Plaintiffs.

a. **PFS Forms and Documents.** Plaintiffs' position is as follows:

(Substantially complete PFS forms have been provided by all Named Plaintiffs. Most of the documents requested in the PFS forms, along with virtually all documents related to the Named Plaintiffs' row crop farming operations, were produced, on a rolling basis, between June 29, 2007 and November 13, 2007. In an effort to expedite production of all of the Named Plaintiffs potentially discoverable documents, the vast majority of these documents were produced prior to any formal request by Defendants. In total, the Named Plaintiffs have produced 106,890 pages of documents. It is anticipated that by the November 29, 2007 status conference, the Named Plaintiffs' relatively few remaining documents will have been produced.)

Defendants' position is as follows:

[In CMO 3, all Plaintiffs named in the Consolidated Complaint were ordered to provide completed PFS forms, along with the documents requested therein, no later than June 29, 2007. The Named Plaintiffs provided PFS forms to Defendants beginning June 29, 2007. Substantially complete PFS forms have now been provided by all Named Plaintiffs. Most of the documents requested in the PFS forms have been produced by the Named Plaintiffs on a rolling basis between June 29 and November 13, 2007. In addition, Plaintiffs voluntarily produced 106,890 pages of documents they represent to be related to their row crop farming operations. It is anticipated that by the November 29, 2007 status conference, the relatively few remaining documents requested in the PFS forms will have been produced.]

b. Interrogatories. On September 14, 2007, Defendants served Interrogatories on the Plaintiffs named in the Consolidated Complaint. Plaintiffs served their responses on October 5, 2007 and October 9, 2007, and their supplemental responses on November 5, 2007 and November 14, 2007. Counsel have met and conferred successfully on multiple occasions in good faith attempts to resolve objections to the Interrogatories. That

process continues and the parties anticipate that most, if not all, remaining objections will be resolved.

c. Requests for Production. On September 19, 2007, Defendants served Requests for Production on the Plaintiffs named in the Consolidated Complaint. Plaintiffs served their responses on October 5, 2007. Counsel for Plaintiffs and Defendants have met and conferred in good faith and have successfully resolved all objections except that to Request No. 3 which requests Plaintiffs to produce “state and federal tax returns from 2003 to the present for yourself and all farming entities in which you have or have had an interest.” Defendants’ Motion to Compel will be filed herewith. The parties will brief the motion and be prepared to present oral argument at the November 29, 2007 Status Conference.

d. Requests for Admission. On September 19, 2007 Defendants served Requests for Admission on the Plaintiffs named in the Consolidated Complaint. Plaintiffs served their responses on October 9, 2007, October 16, 2007, and October 19, 2007. Counsel have met and conferred successfully on multiple occasions in good faith attempts to resolve objections to the Requests for Admission. That process continues and the parties anticipate that most, if not all, remaining objections will be resolved.

e. Depositions. Depositions of the named Plaintiffs and 10 of the 15 additional Producer Plaintiffs permitted by CMO 3 are scheduled to begin on or about December 10, 2007 and conclude by February 15, 2008.

f. FSA Documents. Defendants have received authorizations from all named Plaintiffs to review FSA documents relating to their farming operations. The authorizations and requests for documents have been delivered to all applicable FSA offices. Those offices are responding and the parties expect that this document production will be

substantially completed by December 31, 2007 if all FSA offices continue to cooperate in locating and copying the requested documents.

2. Producer Plaintiffs Not Named in the Consolidated Complaint.

(Approximately 290 PFS forms have been produced by Producer Plaintiffs with cases pending in the MDL (including 56 PFS forms that were provided in cases that were voluntarily dismissed and 26 PFS forms from the Named Plaintiffs in the Consolidated Complaint). Approximately 121 PFS forms in cases filed prior to the Court's entry of CMO 3 still need to be produced. Now that the harvest season is over, Plaintiffs anticipate that a substantial number of these additional PFS forms will be produced in the coming weeks. In addition, as to cases filed after the entry of CMO 3, PFS forms are not yet due. Plaintiffs estimate that approximately 137 PFS forms from Producer Plaintiffs in those later-filed cases will need to be produced.

In CMO 3, the Court permitted Defendants to select 15 Producer Plaintiffs, in addition to the 21 Named Plaintiffs in the Master Complaint, to produce documents required by the PFS forms and to submit to deposition. Defendants' counsel has already selected the first 5 of these Producer Plaintiffs. Some documents from those Plaintiffs have been produced and it is anticipated that the remainder will be produced by agreement by the date of the status conference. The parties agree that Defendants will select an additional 5 Producer Plaintiffs by December 7, 2007. Plaintiffs further propose that Defendants select their final 5 Producer Plaintiffs by January 7, 2008, and that those Plaintiffs expedite production of their documents and produce them no later than January 28, 2008. Plaintiffs propose that those Plaintiffs be required to submit to deposition no later than February 15, 2008.)

[Defendants' position is that in CMO 3, the Court ordered all Producer Plaintiffs with suits then pending before this Court to provide completed PFS forms no later than August 6,

2007. Producer Plaintiffs in cases transferred to the Court after the entry of CMO 3 were to provide such forms within 60 days of the case being opened in this district. The Producer Plaintiffs were not initially required to produce the four categories of documents requested in the PFS.

The Producer Plaintiffs began producing their completed PFS forms on August 6, 2007. As of November 20, 2007, approximately 222 PFS forms have been produced by Producer Plaintiffs with cases pending in the MDL. In addition, 63 PFS forms were produced by producer Plaintiffs who subsequently voluntarily dismissed their cases. Between 225 and 353 PFS forms remain to be produced. Of those, between 86 and 182 were originally due August 6, 2007, but have not been produced. Between 134 and 171 are not yet due under CMO 3, but will be due on or before December 26, 2007.

Under CMO 3 (at page 3), the Court permitted Defendants to select 15 Producer Plaintiffs who were not named in the Consolidated Complaint. The Court ordered those 15 to produce the four categories of documents listed in the PFS within 30 days of notification of their selection to Lead Counsel for Plaintiffs.

At the September 20, 2007 Status Conference, the Court was advised that a substantial number of the Non Producer Plaintiffs had failed to meet the June 29, 2007 deadline for PFS production set forth in CMO 3. The Court in CMO 4 ordered Defendants' Lead Counsel to select at least 5 producer Plaintiffs to produce the additional documents and ordered the selected Producer Plaintiffs to produce the required documents no later than November 15, 2007. CMO 4 stated that "Defendants will be expected to select the remaining ten individuals promptly upon receipt of the remaining plaintiffs' provision of their PFS's." (CMO at p. 9, ¶ 2)

On October 15, pursuant to CMO 4, Defendants' counsel selected five producer plaintiffs not named in the Consolidated Complaint to produce the documents required by the PFS. Those documents were to be produced by November 15, 2007. Some of the PFS documents have been produced and Plaintiffs' Lead Counsel have agreed that the remainder will be produced by the date of the status conference.

Defendants' have been unable to complete their selection of Producer Plaintiffs to provide additional documents and to submit to depositions because Plaintiffs have failed to meet the deadlines imposed by this Court under CMOs 3 and 4 to produce PFS forms. Defendants' suggestion to the Court is that Defendants select an additional 5 Producer Plaintiffs from the PFS forms completed by December 7, 2007 and that those Plaintiffs be ordered to produce the required documents by December 17, 2007. All remaining Producer Plaintiffs should be required to produce completed PFS forms no later than December 26, 2007. Defendants will select an additional 10 Producer Plaintiffs to provide the documents requested in the PFSs by January 11, 2008. Those Plaintiffs' should be ordered to produce the requested documents by January 18, 2008 and to submit to depositions no later than February 22, 2008. Failure of Producer Plaintiffs to comply with any new deadlines imposed by the Court should have appropriate consequences.]

C. Third Party Discovery.

Plaintiffs have served multiple document subpoenas on third parties and are in the process of meeting and conferring with those third parties and collecting the documents sought by those subpoenas. Counsel for Plaintiffs and counsel for the third parties have met and conferred successfully on multiple occasions in good faith attempts to resolve objections to the subpoenas. That process continues and counsel for Plaintiffs anticipate that most, if not all,

remaining objections will be resolved. Plaintiffs have served subpoenas upon the following third parties:

- Arkansas State Plant Board;
- BASF;
- Dale Bumpers College;
- Dale Bumpers National Rice Research Center;
- Horizon Ag;
- LSU;
- Monsanto;
- Riceland;
- RiceTec;
- Virginia Tech;
- BioDiagnostics (testing facility);
- Eurofins (testing facility);
- SGS North American (testing facility); and
- Biotechnology Industry Organization;

In addition, Defendants have served or are in the process of serving the following third parties with subpoenas:

- American Rice, Inc.;
- Archer Daniels Midland Company;
- Bertrand Rice, LLC;
- Buck Island Seed Co.;
- Bunge North America, Inc.;
- Cargill, Inc.;
- Carlson Mills, Inc.;
- Carwell Elevator Co., Inc.;
- Colorado County Rice Mill, Inc.;
- Crop Marketing Services;
- Douget-Dishman Rice Company, Inc.;
- Crop Marketing Services of Dumas, Inc.;
- Falcon Rice Mill, Inc.;
- GM Lawrence & Co.;
- Gulf Pacific Rice Company, Inc.;
- Gulf Rice Milling, Inc.;
- KBX, Inc.;
- Lickpond Rice & Grain Co.;
- Lockeby Rice and Grain, Inc.;
- Martin Rice, MO;
- Masterfood USA;

- Mississippi Rice & Grain Limited Liability Company;
- Northeast Arkansas Rice, Inc.;
- Pointsett Rice and Grain, Inc.;
- The Scoular Company;
- Scoular Grain Co.;

III. LIST OF RELATED STATE AND POTENTIAL TAG ALONG CASES

Attached hereto at Exhibit A is a list of all related state and potential tag along cases providing the specific information required by Section 2 of CMO 5.

IV. WEBSITES RELATED TO THIS LITIGATION

The following is a list of all websites known to Lead Counsel which are – or have been – related or dedicated to this litigation:

<u>URL</u>	<u>Launch Date</u>	<u>Termination Date</u>
www.bayerricelitigation.com	August 24, 2007	ongoing
www.ricelitigation.com	April 11, 2007	October 28, 2007
www.llrice601contaminationlitigation.com	April 11, 2007	October 28, 2007

V. CLASS CERTIFICATION BRIEFING AND HEARING

Due to unexpected delays in completing discovery, Lead Counsel for Plaintiffs and Defendants agree that the dates for briefing, expert disclosure and depositions, and the class certification hearing should be briefly extended from those previously set by the Court. The parties (Plaintiffs in red) [Defendants in blue] submit the following revised schedule:

A. (No Later Than December 27, 2007.)

[No Later Than December 7, 2007.]

Plaintiffs shall file their Motion for Class Certification, along with their Opening Memorandum. Plaintiffs' Opening Memorandum shall not exceed 50 pages. Plaintiffs shall

disclose all expert witnesses they intend to use in support of class certification and provide the reports required by Fed. R. Civ. P. 26(a)(2).

B. No Later Than February 7, 2008.

Plaintiffs shall make their experts available for depositions.

C. No Later Than February 26, 2008.

Defendants shall file their Response to Plaintiffs' Opening Memorandum. Defendants' Response Memorandum shall not exceed 75 pages. Defendants shall disclose all expert witnesses they intend to use in opposition to class certification and provide the reports required by Fed. R. Civ. P. 26(a)(2).

D. No Later Than March 28, 2008.

Defendants shall make their experts available for deposition.

E. No Later Than April 11, 2008.

Plaintiffs shall identify any rebuttal experts and provide any rebuttal expert reports. Rebuttal expert reports shall be allowed only to the extent permitted by Eighth Circuit and Eastern District of Missouri law.

F. No Later Than April 25, 2008.

Plaintiffs shall make their rebuttal experts available for deposition.

G. No Later Than April 28, 2008.

Plaintiffs shall file their Reply Memorandum. Plaintiffs' Reply Memorandum shall not exceed (60) [30] pages.

H. [No Later Than May 6, 2008.

Plaintiffs shall file their Surreply Memorandum. Said Memorandum shall not exceed 30 pages.]

(Plaintiffs object to any Surreply Memorandum.)

I. On May 22, 2008.

The Court will hold a hearing on Plaintiffs' Motion for Class Certification.

VI. DEPOSITION PROTOCOLS

Lead Counsel for Plaintiffs and Defendants expect to reach agreement on Deposition Protocols to govern all depositions in this proceeding. Counsel will submit the Proposed Deposition Protocols prior to the November 29, 2007 Status Conference. Terms on which there is no agreement, if any, will be designated in (red for Plaintiffs) and [blue for Defendants]. The parties respectfully request that the Court resolve any disputed terms and approve the proposed protocols as a part of the forthcoming Case Management Order No. 6.

Dated this 20th day of November, 2007.

Respectfully Submitted,

/s/ Don M. Downing

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/s/ Adam J. Levitt

Adam J. Levitt
Wolf Haldenstein Adler Freeman & Herz LLC
55 West Monroe Street, Suite 1111
Chicago, Illinois 60603

Lead Counsel for Plaintiffs

/s/ Terry Lueckenhoff

Terry Lueckenhoff, #43843
Blackwell Sanders LLP
720 Olive Street, Suite 2400
Saint Louis, Missouri 63101

Lead Counsel for Defendants

CERTIFICATE OF SERVICE

This is to certify that I have this 20th day of November, 2007, electronically filed a copy of the foregoing with the Clerk of Court to be served by operation of the Court's electronic filing system upon the parties of record.

/s/ Terry Lueckenhoff

Terry Lueckenhoff

Case Number

4-07-cv-00732

Court

Arkansas - Federal

US District Court, Eastern District of
Arkansas, Western Division**Judge**

William R. Wilson

500 West Capitol
Room D444**Plaintiff(s)**

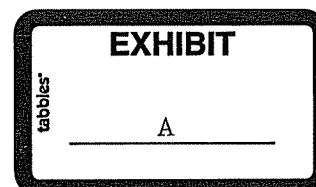
Rickmers Reismuehle GmbH

Defendant(s)

Producers Rice Mill, Inc.

Defense CounselThomas M. Buckley
BUCKLEY AND BUCKLEY, L.L.C.
1139 Olive Street
Suite 800
St. Louis, MO 63101-1928
314-621-3434**Plaintiff Counsel**John K. Baker
MITCHELL, WILLIAMS, SELIG, GATES &
WOODYARD, P.L.L.C.
425 West Capitol Ave.
Suite 1800
Little Rock, AR 72201
501-688-8800**Description
of the Case:**German rice purchaser plaintiff brings breach of contract claim under Arkansas law
against Producers Rice Mill, Inc. arising from its purchase of rice for import into
Europe. Plaintiff seeks compensatory damages.**Status of
the Case:**

No responses to the complaint have yet been filed.



Case Number

4:07-cv-733

Court

Arkansas - Federal

US District Court, Eastern District of
Arkansas, Little Rock Division

Judge

James M. Moody

500 West Capitol
Room C446

Plaintiff(s)

Rickmers Reismuehle GmbH

Defendant(s)

Riceland Foods, Inc.

Plaintiff Counsel

John K. Baker
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WOODYARD, P.L.L.C.
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Defense Counsel

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Barrett and Deacon
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Jonesboro, AR 72403
870-931-1700

(Bayer)
Terry R. Lueckenhoff
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**Description
of the Case:**

German rice purchaser plaintiff brings breach of contract claim under Arkansas law against Riceland Foods, Inc. arising from its purchase of rice for import into Europe. Plaintiff seeks compensatory damages.

**Status of
the Case:**

No responses to the complaint have yet been filed. Riceland has filed a motion for leave to file a third-party complaint against Bayer CropScience LP.

Case Number

CV2007-433

Court

Arkansas - State

Circuit Court of Crittenden County, Arkansas

Judge

Pamela Honeycutt

P. O. Box 1951
Jonesboro, AR 72403**Plaintiff(s)**

Huber Muehle GmbH

Defendant(s)Riceland Foods, Inc.
Bayer CropScience Inc.
Bayer CropScience LP**Plaintiff Counsel**Kent J. Rubens
RIEVES RUBENS & MAYTON
P.O. Box 1599
West Memphis, AR 72303
870-735-3420**Defense Counsel**(Riceland)
Barry Deacon
Barrett and Deacon
300 South Church Street
P.O. Box 1700
Jonesboro, AR 72403
870-931-1700(Bayer)
Terry R. Lueckenhoff
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tlueckenhoff@blackwellsanders.com**Description
of the Case:**

German rice purchaser plaintiff brings claims against Riceland Foods, Inc. for breach of contract, breach of express warranty, breach of implied warranty of fitness for a particular purpose, breach of implied warranty of merchantability, negligence, strict product liability, violation of the Arkansas Deceptive Trade Practices Act, and fraud. Plaintiff also brings claims against Bayer CropScience LP and Bayer CropScience Inc. for negligence, absolute liability for ultra-hazardous activity, strict products liability, and public nuisance. Plaintiff also brings a claim against all defendants for negligence per se (alleged violation of the Arkansas Rice Certification Act, Ark. Code Ann. § 2-15-203). Plaintiff seeks compensatory and punitive damages and seeks an injunction that defendants clean up plaintiffs' storage and production facilities.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

CV2007-169

Court

Arkansas - State

Circuit Court of Lonoke County, Arkansas
(Civil Division) 1st Division**Judge**

Phillip Whiteaker

301 N. Center Street, Suite 302
Lonoke, AR 72086**Plaintiff(s)**

Willman, William E.; Elizabeth W. Thomas Trust 1997;
Elizabeth W. Thomas Trust 2000; Spears Farm Central, Inc.;
Spears, Gary d/b/a Spears Farms; Spears, Rodney Charles
d/b/a Chip Spears Farms; Spears, Shawn d/b/a Spears
Farms; W. Edgar Willman Trust 2000; Willman & Willman
Farms, LLC; Willman, Floyd C.

Defendant(s)

Riceland Foods, Inc.; Bayer A.G.; Bayer CropScience; and
Bayer CropScience Arkansas LP

Plaintiff Counsel

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Defense Counsel

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(Riceland Foods)
Barry Deacon
Barrett and Deacon
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P.O. Box 1700
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870-931-1700

**Description
of the Case:**

Nine famer plaintiffs bring suit against Riceland Foods, Inc., Bayer CropScience LP, Bayer AG, and Bayer CropScience. Plaintiffs bring negligence claims against all defendants and a fraud claim against Riceland. Plaintiffs seek compensatory and punitive damages.

**Status of
the Case:**

Riceland and Bayer CropScience LP have answered the complaint. The case was removed to the U.S. District Court for the Eastern District of Arkansas and subsequently remanded back to the Circuit Court of Lonoke County by order dated October 9, 2007.

Case Number

CV2007-432

Court

Arkansas - State

Circuit Court of Crittenden County, Arkansas

Judge

Pamela Honeycutt

P. O. Box 1951
Jonesboro, AR 72403**Plaintiff(s)**

Mueller's Muehle GmbH

Defendant(s)Riceland Foods, Inc.
Bayer CropScience Inc.
Bayer CropScience LP**Defense Counsel**(Riceland)
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Barrett and Deacon
300 South Church Street
P.O. Box 1700
Jonesboro, AR 72403
870-931-1700**Plaintiff Counsel**Kent J. Rubens
RIEVES RUBENS & MAYTON
P.O. Box 1599
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870-735-3420(Bayer)
Terry R. Lueckenhoff
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720 Olive Street
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tlueckenhoff@blackwellsanders.com**Description
of the Case:**

German rice purchaser plaintiff brings claims against Riceland Foods, Inc. for breach of contract, breach of express warranty, breach of implied warranty of fitness for a particular purpose, breach of implied warranty of merchantability, negligence, strict product liability, violation of the Arkansas Deceptive Trade Practices Act, and fraud. Plaintiff also brings claims against Bayer CropScience LP and Bayer CropScience Inc. for negligence, absolute liability for ultra-hazardous activity, strict products liability, and public nuisance. Plaintiff also brings a claim against all defendants for negligence per se (alleged violation of the Arkansas Rice Certification Act, Ark. Code Ann. § 2-15-203). Plaintiff seeks compensatory and punitive damages and seeks an injunction that defendants clean up plaintiff's storage and production facilities.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

4:06-cv-01407

Court

Arkansas - State

Circuit Court of Lonoke County, Arkansas
(Civil Division) 1st Division

Judge

George Howard, Jr.

600 West Capitol, Room 276
Little Rock, AR 72201

Plaintiff(s)

Schafer, Randy; A.S. Kelly and Sons; Amaden, Randall;
Carter Farms Partnership; End of the Road Farms, Inc.;
Gosney Farms; Moery, Kyle; Moery, Robert E.; Neil Daniels
Farms; Petrus Farms, Inc.; Petrus Seed & Grain, Co., Inc.;
Petrus, Robert H.; R & B Amaden Farms; S&R Farms;
Schafer Planting Co.; Snider, Randall J.; Wallace Farms

Defendant(s)

Riceland Foods, Inc.
Bayer CropScience LP
Bayer CropScience USA Holding II, Inc.
Bayer CropScience USA LP
John "Doe"

Defense Counsel

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Little Rock, Arkansas 72212
501-225-5500

**Description
of the Case:**

Seventeen rice farmer plaintiffs bring negligence claims against Bayer CropScience LP, Bayer CropScience USA Holding II, Inc., Bayer CropScience USA LP, and Riceland Foods, Inc. Those plaintiffs who are farmer-members of Riceland Foods Inc. also bring claims of fraudulent concealment against Riceland. Plaintiffs seek compensatory and punitive damages from all defendants and allege that provisions of The Arkansas Civil Justice Reform Act of 2003 (Act 649) limiting joint and several liability and punitive damages are unconstitutional.

**Status of
the Case:**

Defendants have answered the complaint. Bayer CropScience LP removed the case to Arkansas federal court in October 2006, the case was transferred to this Court as part of the MDL, and this Court remanded the case back to the Circuit Court of Lonoke County, Arkansas, by order dated October 15, 2007.

Case Number

6:07-cv-01427

Court

Louisiana - Federal

United States District Court Western District
of Louisiana, Lafayette-Opelousas Division

Judge

Tucker L. Melancon

800 Lafayette Street, Suite 4700
Lafayette, LA 70501

Plaintiff(s)

Girouard, Ted; Girouard, Deborah

Defendant(s)

Bayer CropScience LP
Bayer CropScience
Bayer AG

Defense Counsel

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Plaquemine, LA 70765-0071
225-687-6396

**Description
of the Case:**

Two farmer plaintiffs bring negligence claims against Bayer CropScience LP, Bayer AG, and Bayer CropScience. Plaintiffs seek compensatory, consequential, exemplary, and punitive damages and an injunction that defendants clean up their properties.

**Status of
the Case:**

No responses to the complaint have yet been filed. The case was conditionally transferred to the MDL by order dated September 21, 2007.

Case Number

69182 Div A

Court

Louisiana - State

13th Judicial District Court for the Parish of
Evangeline, State of Louisiana

Judge

John Larry Vidrine

Evangeline Parish Courthouse
200 Court Street, Suite 200

Plaintiff(s)

Aguillard, Gordon; Choate, Cynthia F.; Cormier, Curtis;
Gautreaux, Craig; Hurst, Claudia F.; Rogers, Daniel, Jr.;
Fruge, Rodney J., Jr.; Landreneau, John D.; Ledoux, Kevin;
Marcantel, Daniel; Ozane, Lawrence; Sonnier, John G.;
Young, John A.; Zaunbrecher, Patrick

Defendant(s)

Bayer CropScience LP
The Board of Supervisors of LSU and Agricultural and
Mechanical College

Defense Counsel

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Plaintiff Counsel

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Board of Supervisors of LSU and Agricultural &
Mechanical College
Thomas R. Peak
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Baton Rouge, LA 70801
US

**Description
of the Case:**

Fourteen farmer plaintiffs seek compensatory and consequential damages against Bayer CropScience LP and LSU, and exemplary and punitive damages against Bayer CropScience LP, on claims of negligence, nuisance (La. Civ. Code arts. 667-69), and trespass. Plaintiffs also seek an injunction that defendants clean up plaintiffs' properties.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

C-680-07

Court

Louisiana - State

31st Judicial District Court for the Parish of
Jefferson Davis, State of Louisiana**Judge**

Ann Simon

300 State Street, P.O. Box 799
Jennings, LA 70546**Plaintiff(s)**

Billeaudeaux, Kirk; Bebee, David K.; Bebee, Ray;
Billeaudeaux, Kirk on behalf of the Estate of Eugene Britt;
Britt, Barbara; Britt, Barbara on behalf of the Estate of
Eugene Britt; Britt, Casey; Britt, Charles D.; Britt, Sheilli D.;
Buller, Brad; Buller, Brent; Byrne, Jeremy; Byrne, Tim;
Carbalan, Irvin M., Jr.; Carbalan, John J.; Carbalan, Phyllis
B.; Fruge, Robert G.; Raspberry, Corey; S&W Zaunbrecher
Farms, L.L.P.; Zaunbrecher, Bradley

Defendant(s)

Bayer Cropscience LP
The Board of Supervisors of Louisiana State University and
Agricultural and Mechanical College

Defense Counsel

Terry R. Lueckenhoff
BLACKWELL SANDERS LLP
720 Olive Street
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Plaintiff Counsel

Stephen B. Murray
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650 Poydras Street, Suite 1100
New Orleans, LA 70130
504-525-8100

Board of Supervisors of LSU and Agricultural &
Mechanical College
Thomas R. Peak
TAYLOR AND PORTER, LLP
451 Florida Street
Eighth Floor
Chase Tower South
Baton Rouge, LA 70801
US

**Description
of the Case:**

Nineteen farmer plaintiffs seek compensatory and consequential damages against Bayer CropScience LP and LSU, and exemplary and punitive damages against Bayer CropScience LP, on claims of negligence, nuisance (La. Civ. Code arts. 667-69), and trespass. Plaintiffs also seek an injunction that defendants clean up their properties.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

C2007-395, Division A

Court

Louisiana - State

33rd Judicial District for the Parish of Allen,
State of Louisiana

Judge

Joel G. Davis

P.O. Box 496
Oberlin, LA 70655

Plaintiff(s)

Cappel, Lane; Foumerat & Toups Farms, LLC; Toups,
Joseph E.; Zaunbrecher, Shane; Zaunbrecher, Wayne

Defendant(s)

Bayer CropScience LP
The Board of Supervisors of LSU and Agricultural and
Mechanical College

Defense Counsel

Terry R. Lueckenhoff
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Plaintiff Counsel

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Mechanical College
Thomas R. Peak
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Baton Rouge, LA 70801
US

**Description
of the Case:**

Five farmer plaintiffs seek compensatory and consequential damages against Bayer CropScience LP and LSU, and exemplary and punitive damages against Bayer CropScience LP, on claims of negligence, nuisance (La. Civ. Code arts. 667-69), and trespass. Plaintiffs also seek an injunction that defendants clean up their properties.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

C-2007-400

Court

Louisiana - State

33rd Judicial District Court for the Parish of
Allen, State of Louisiana

Judge

Patricia C. Cole

Main Street, P.O. Box A
Oberlin, LA 70655

Plaintiff(s)

Doise, Luke B.; Doise, Michael; Fontenot, Larry W.; Manuel,
Jerome J.; Manuel, Lane; Smith, Jason J.

Defendant(s)

Bayer CropScience LP
The Board of Supervisors of LSU and Agricultural and
Mechanical College

Plaintiff Counsel

Stephen B. Murray
MURRAY LAW FIRM
650 Poydras Street, Suite 1100
New Orleans, LA 70130
504-525-8100

Defense Counsel

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Mechanical College
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US

**Description
of the Case:**

Six farmer plaintiffs seek compensatory and consequential damages against Bayer CropScience LP and LSU, and exemplary and punitive damages against Bayer CropScience LP, on claims of negligence, nuisance (La. Civ. Code arts. 667-69), and trespass. Plaintiffs also seek an injunction that defendants clean up their properties.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

C-683-07

Court

Louisiana - State

31st Judicial District for the Parish of
Jefferson Davis, State of Louisiana**Judge**

Ann Simon

300 State Street, P.O. Box 799
Jennings, LA 70546**Plaintiff(s)**

Benoit, Jason; Benoit, Joseph; Boudreaux, Leonard;
Broussard, Timothy J.; Fanny Edith Winn Educational Trust;
Faul, David; Faul, Jeff; Faul, Leroy; Frey, Richard B.; Frey,
Richard W.; Klump, Garrett; LeBlanc, Donald; LeBlanc, Reed;
Lucky D Farms, L.L.C.; Lundsford, Aaron; Sonnier, Dwayne;
Talley, Mike; Theriot, Gerrad; Theriot, Jason; Theriot, Sidney;
Thibodeaux, Brad; Watkins, Wynn; Zaunbrecher & Cassedy
Cattle, Co., Inc.; Zaunbrecher & Cassedy Farm Partnership

Defendant(s)

Bayer CropScience LP
The Board of Supervisors of LSU and Agricultural and
Mechanical College

Defense Counsel

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Plaintiff Counsel

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504-525-8100

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Mechanical College
Thomas R. Peak
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Chase Tower South
Baton Rouge, LA 70801
US

**Description
of the Case:**

Twenty-four farmer plaintiffs seek compensatory and consequential damages against Bayer CropScience LP and LSU, and exemplary damages against Bayer CropScience LP, on claims of negligence, nuisance (La. Civ. Code arts. 667-69), and trespass. Plaintiffs also seek an injunction that defendants clean up their properties.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

86331 Div K

Court

Louisiana - State

15th Judicial District Court for the Parish of
Acadia, State of Louisiana**Judge**

Patrick L. Michot

P.O. Box 3075
Lafayette, LA 70502**Plaintiff(s)**Breau, Robert C.; Faul, Terry; Frey, Ralph; Frey, Winston;
Hensgens, Dale; Hilda Frey Farm; Hundley, James; Hundley,
Michael C.; Lamm Brothers, LLC; Zaunbrecher, Byron;
Zaunbrecher, Dale; Zaunbrecher, Elwin J.; Zaunbrecher,
Leonard; Zaunbrecher, Mark; Zaunbrecher, Wendell**Defendant(s)**Bayer CropScience LP
The Board of Supervisors of LSU and Agricultural and
Mechanical College**Defense Counsel**Terry R. Lueckenhoff
BLACKWELL SANDERS LLP
720 Olive Street
Suite 2400
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(314) 345-6000
tlueckenhoff@blackwellsanders.com**Plaintiff Counsel**Stephen B. Murray
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504-525-8100Board of Supervisors of LSU and Agricultural &
Mechanical College
Thomas R. Peak
TAYLOR AND PORTER, LLP
451 Florida Street
Eighth Floor
Chase Tower South
Baton Rouge, LA 70801
US**Description
of the Case:**Seventeen farmer plaintiffs seek compensatory and consequential damages against
Bayer CropScience LP and LSU, and exemplary and punitive damages against Bayer
CropScience LP, on claims of negligence, nuisance (La. Civ. Code arts. 667-69), and
trespass. Plaintiffs also seek an injunction that defendants clean up their properties.**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

2007-004655, Division

Court

Louisiana - State

14th Judicial District Court for the Parish of
Calcasieu, State of Louisiana

Judge

Robert L. Wyatt

1000 Ryan Street
Lake Charles, Louisiana 70601

Plaintiff(s)

Harrington, Alden S.; Harrington Brothers Farm, Inc.;
Harrington, Blaine; Harrington, Randall; Harrington, Rocky;
Harrington, Shannon; Leonards, Jamie; Leonards, Nicholas;
Stelly, Marcus; Stelly, Mark; Stelly, Ryan

Defendant(s)

Bayer CropScience LP
The Board of Supervisors of Louisiana State University and
Agricultural and Mechanical College

Plaintiff Counsel

Stephen B. Murray
MURRAY LAW FIRM
650 Poydras Street, Suite 1100
New Orleans, LA 70130
504-525-8100

Defense Counsel

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Thomas R. Peak
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US

**Description
of the Case:**

Eleven farmer plaintiffs seek compensatory and consequential damages against Bayer CropScience LP and LSU, and exemplary and punitive damages against bayer CropScience LP, on claims of negligence, nuisance (La. Civ. Code arts. 667-69), and trespass. Plaintiffs also seek an injunction that defendants clean up their properties.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

86279 Div. D

Court

Louisiana - State

15th Judicial District Court for the Parish of
Acadia, State of Louisiana

Judge

Edward D. Rubin

P.O. Box 5028
Lafayette, LC 70502-5028

Plaintiff(s)

Supreme Rice Mill, Inc.

Defendant(s)

Bayer CropScience LP
The Board of Supervisors of Louisiana State University and
Agricultural and Mechanical College

Defense Counsel

Terry R. Lueckenhoff
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Plaintiff Counsel

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Mechanical College
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Chase Tower South
Baton Rouge, LA 70801
US

**Description
of the Case:**

One rice mill plaintiff seeks compensatory damages against Bayer CropScience LP and LSU, and exemplary damages against Bayer CropScience LP, on claims of negligence, private nuisance (La. Civ. Code arts. 667-69), trespass, and product liability under the Louisiana Products Liability Act (LA-R.S. 9:2800). Plaintiffs also seek an injunction that defendants act to prevent future contamination of plaintiff's facility and property.

**Status of
the Case:**

Bayer CropScience LP filed an answer on October 6, 2007.

Case Number

72395 Div. C

Court

Louisiana - State

16th Judicial District Court for the Parish of
Saint Martin, State of Louisiana

Judge

John E. Conery

P.O. Box 596
Franklin, LA 70538

Plaintiff(s)

Richard Grain, Inc.; Richard, Mickey

Defendant(s)

Bayer CropScience LP
The Board of Supervisors of LSU and Agricultural and
Mechanical College

Plaintiff Counsel

Stephen B. Murray
MURRAY LAW FIRM
650 Poydras Street, Suite 1100
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504-525-8100

Defense Counsel

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Thomas R. Peak
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US

**Description
of the Case:**

Two farmer plaintiffs seek compensatory and consequential damages against Bayer CropScience LP and LSU, and exemplary and punitive damages against Bayer CropScience LP on claims of negligence, nuisance (La. Civ. Code arts. 667-69), and trespass. Plaintiffs also seek an injunction that defendants clean up their properties.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

2007-004615, Section

Court

Louisiana - State

14th Judicial District Court for the Parish of
Calcasieu, State of Louisiana

Judge

Alcide J. Gray

P.O. Box 3210
Lake Charles, LA 70602

Plaintiff(s)

Aguillard, Walter; Aguillard, Jordan

Defendant(s)

Bayer CropScience LP
The Board of Supervisors of Louisiana State University and
Agricultural and Mechanical College

Defense Counsel

Terry R. Lueckenhoff
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Mechanical College
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451 Florida Street
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Chase Tower South
Baton Rouge, LA 70801
US

**Description
of the Case:**

Two farmer plaintiffs seek compensatory and consequential damages against Bayer CropScience LP and LSU, and exemplary and punitive damages against Bayer CropScience LP, on claims of negligence, nuisance (La. Civ. Code arts. 667-69), and trespass. Plaintiffs also seek an injunction that defendants clean up their properties.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

07-C-4232-C

Court

Louisiana - State

27th Judicial District Court for the Parish of
Saint Landry, State of Louisiana**Judge**

Alonzo Harris

P.O. Box 473
Opelousas, LA 70571**Plaintiff(s)**D.S. Farms; Hollier, Richard M., III; J & A Farms, Inc.;
Richard, Daniel; Richard, Wilfred; Smith, Duane R.; Smith,
Kyle R.**Defendant(s)**Bayer CropScience LP
The Board of Supervisors of LSU and Agricultural and
Mechanical College**Defense Counsel**Terry R. Lueckenhoff
BLACKWELL SANDERS LLP
720 Olive Street
Suite 2400
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tlueckenhoff@blackwellsanders.com**Plaintiff Counsel**Stephen B. Murray
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504-525-8100Board of Supervisors of LSU and Agricultural &
Mechanical College
Thomas R. Peak
TAYLOR AND PORTER, LLP
451 Florida Street
Eighth Floor
Chase Tower South
Baton Rouge, LA 70801
US**Description
of the Case:**

Seven farmer plaintiffs seek compensatory and consequential damages against Bayer CropScience LP and LSU, and exemplary and punitive damages against Bayer CropScience LP, on claims of negligence, nuisance (La. Civ. Code arts. 667-69), and trespass. Plaintiffs also seek an injunction that defendants clean up their properties.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

2007-4454 Div A

Court

Louisiana - State

15th Judicial District Court for the Parish of
Lafayette, State of Louisiana

Judge

John D. Trahan

P.O. Box 1366
Crowley, LA 70527-1366

Plaintiff(s)

Vondenstein, Larry; Thibodeaux, Cleveland J., Jr.;
Vondenstein, Steven

Defendant(s)

Bayer CropScience LP
The Board of Supervisors of Louisiana State University and
Agricultural and Mechanical College

Defense Counsel

Terry R. Lueckenhoff
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Plaintiff Counsel

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650 Poydras Street, Suite 1100
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504-525-8100

Board of Supervisors of LSU and Agricultural &
Mechanical College
Thomas R. Peak
TAYLOR AND PORTER, LLP
451 Florida Street
Eighth Floor
Chase Tower South
Baton Rouge, LA 70801
US

**Description
of the Case:**

Three farmer plaintiffs seek compensatory and consequential damages against Bayer CropScience LP and LSU, and exemplary and punitive damages against Bayer CropScience LP, on claims of negligence, nuisance (La. Civ. Code arts. 667-69), and trespass. Plaintiffs also seek an injunction that defendants clean up their properties.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

86280, Div. F

Court

Louisiana - State

15th Judicial District Court for the Parish of
Acadia, State of Louisiana

Judge

Glenn P. Everett

P.O. Box 503
Crowley, LA 70527-0448

Plaintiff(s)

Louisiana Rice Mill, LLC

Defendant(s)

Bayer CropScience LP
The Board of Supervisors of LSU and Agricultural and
Mechanical College

Plaintiff Counsel

Philip Bohrer
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Baton Rouge, Louisiana 70809
(225) 925-5297

Defense Counsel

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Board of Supervisors of LSU and Agricultural &
Mechanical College
Thomas R. Peak
TAYLOR AND PORTER, LLP
451 Florida Street
Eighth Floor
Chase Tower South
Baton Rouge, LA 70801
US

**Description
of the Case:**

One rice mill plaintiff seeks compensatory damages against Bayer CropScience LP and LSU, and exemplary and punitive damages against bayer CropScience LP, on claims of negligence, private nuisance (La. Civ. Code arts. 667-69), trespass, and product liability under the Louisiana Products Liability Act (LA-R.S. 9:2800). Plaintiffs also seek an injunction that defendants act to prevent future contamination of plaintiff's facility and property.

**Status of
the Case:**

Bayer CropScience LP filed an answer on October 6, 2007.

Case Number

69187 Div. A

Court

Louisiana - State

13th Judicial District Court for the Parish of
Evangeline, State of Louisiana

Judge

John Larry Vidrine

Evangeline Parish Courthouse
200 Court Street, Suite 200

Plaintiff(s)

Fruge, Randall J.; Guillory, Gerald; LaHaye, Kenneth;
Lejeune, A. Neil; Zaunbrecher, J.W.

Defendant(s)

Bayer CropScience LP
The Board of Supervisors of LSU and Agricultural and
Mechanical College

Plaintiff Counsel

Stephen B. Murray
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650 Poydras Street, Suite 1100
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Defense Counsel

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Board of Supervisors of LSU and Agricultural &
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US

**Description
of the Case:**

Five farmer plaintiffs seek compensatory and consequential damages against Bayer CropScience LP and LSU, and exemplary and punitive damages against Bayer CropScience LP, on claims of negligence, nuisance (La. Civ. Code arts. 667-69), and trespass. Plaintiffs also seek an injunction that defendants clean up their properties.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

10-18072

Court

Louisiana - State

38th Judicial District Court for the Parish of
Cameron, State of Louisiana**Judge**

H. Ward Fontenot

P.O. Box 578
Cameron, LA 70631**Plaintiff(s)**Broussard, Leonard; Hornesby, Keith; L&C Thevis Farm;
Thevis, Andrew; Thevis, Connie**Defendant(s)**Bayer CropScience LP
The Board of Supervisors of LSU and Agricultural and
Mechanical College**Defense Counsel**Terry R. Lueckenhoff
BLACKWELL SANDERS LLP
720 Olive Street
Suite 2400
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(314) 345-6000
tlueckenhoff@blackwellsanders.com**Plaintiff Counsel**Stephen B. Murray
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504-525-8100Board of Supervisors of LSU and Agricultural &
Mechanical College
Thomas R. Peak
TAYLOR AND PORTER, LLP
451 Florida Street
Eighth Floor
Chase Tower South
Baton Rouge, LA 70801
US**Description
of the Case:**

Five farmer plaintiffs seek compensatory and consequential damages against Bayer CropScience LP and LSU, and exemplary and punitive damages against Bayer CropScience LP, on claims of negligence, nuisance (La. Civ. Code arts. 667-69), and trespass. Plaintiffs also seek an injunction that defendants clean up their properties.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

87367

Court

Louisiana - State

15th Judicial District Court for the Parish of
Vermilion, State of Louisiana**Judge**

Kristian Earles

P.O. Box 1980
Crowley, LA 70527**Plaintiff(s)**

Duhon, Bradley J.

Defendant(s)Bayer CropScience LP
The Board of Supervisors of LSU and Agricultural and
Mechanical College**Defense Counsel**Terry R. Lueckenhoff
BLACKWELL SANDERS LLP
720 Olive Street
Suite 2400
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(314) 345-6000
tlueckenhoff@blackwellsanders.com**Plaintiff Counsel**Stephen B. Murray
MURRAY LAW FIRM
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504-525-8100Board of Supervisors of LSU and Agricultural &
Mechanical College
Thomas R. Peak
TAYLOR AND PORTER, LLP
451 Florida Street
Eighth Floor
Chase Tower South
Baton Rouge, LA 70801
US**Description
of the Case:**

One farmer plaintiff seeks compensatory and consequential damages against Bayer CropScience LP and LSU, and exemplary and punitive damages against Bayer CropScience LP, on claims of negligence, nuisance (La. Civ. Code arts. 667-69), and trespass. Plaintiff also seeks an injunction that defendants clean up his property.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

07-c-4597-B

Court

Louisiana - State

27th Judicial District Court for the Parish of
Saint Landry, State of Louisiana

Judge

Ellis Daigle

118 South Court St.
Suite 109

Plaintiff(s)

Cart, Caleb Lee

Defendant(s)

Bayer CropScience LP
The Board of Supervisors of LSU and Agricultural and
Mechanical College

Defense Counsel

Terry R. Lueckenhoff
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Plaintiff Counsel

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504-525-8100

Board of Supervisors of LSU and Agricultural &
Mechanical College
Thomas R. Peak
TAYLOR AND PORTER, LLP
451 Florida Street
Eighth Floor
Chase Tower South
Baton Rouge, LA 70801
US

**Description
of the Case:**

One farmer plaintiff seeks compensatory and consequential damages against Bayer CropScience LP and LSU, and exemplary and punitive damages against Bayer CropScience LP, on claims of negligence, nuisance (La. Civ. Code arts. 667-69), and trespass. Plaintiff also seeks an injunction that defendants clean up his property.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

07-C-5833-A

Court

Louisiana - State

27th Judicial District Court for the Parish of
Saint Landry, State of Louisiana

Judge

James P. Doherty

118 South Court Street
Suite 109

Plaintiff(s)

Soileau, Robert J.

Defendant(s)

Bayer CropScience LP
The Board of Supervisors of LSU and Agricultural and
Mechanical College

Plaintiff Counsel

Stephen B. Murray
MURRAY LAW FIRM
650 Poydras Street
Suite 1100
New Orleans, LA 70130
504-525-8100

Defense Counsel

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Board of Supervisors of LSU and Agricultural &
Mechanical College
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Eighth Floor
Chase Tower South
Baton Rouge, LA 70801
US

**Description
of the Case:**

One farmer plaintiff seeks compensatory and consequential damages against Bayer CropScience LP and LSU, and exemplary and punitive damages against Bayer CropScience LP, on claims of negligence, nuisance (La. Civ. Code arts. 667-69), and trespass. Plaintiff also seeks an injunction that defendants clean up his property.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

87382 Div. K

Court

Louisiana - State

15th Judicial District Court for the Parish of
Vermilion, State of Louisiana

Judge

Patrick L. Michot

P.O. Box 3075
Lafayette, LA 70502

Plaintiff(s)

Simon, David

Defendant(s)

Bayer CropScience LP
The Board of Supervisors of LSU and Agricultural and
Mechanical College

Defense Counsel

Terry R. Lueckenhoff
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Plaintiff Counsel

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504-525-8100

Board of Supervisors of LSU and Agricultural &
Mechanical College
Thomas R. Peak
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Chase Tower South
Baton Rouge, LA 70801
US

**Description
of the Case:**

One farmer plaintiff seeks compensatory and consequential damages against Bayer CropScience LP and LSU, and exemplary and punitive damages against Bayer CropScience LP, on claims of negligence, nuisance (La. Civ. Code arts. 667-69), and trespass. Plaintiff also seeks an injunction that defendants clean up his property.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

86321 Div. J

Court

Louisiana - State

15th Judicial District Court for the Parish of
Acadia, State of Louisiana**Judge**

Kristian Earles

P.O. Box 1980
Crowley, LA 70527**Plaintiff(s)**

Andrus, Bruce; Atteberry, William M.; Baronet, Wayne;
Dupre, Zan P.; Hensgens, Christian J.; Hensgens, Frank E.;
Hensgens, Gregory E.; Hoffpauir, John E.; John, John N., III;
Leger, James; Leger, Jeffery; Leger, John K.; Leger, Joseph
L., Jr.; Lejeune, Chad; Lejeune, Dean; Middlebrooks, Ward;
Pousson, Arlen M.; Pousson, Randall P.; Richard, Valjene;
Rose, Mark A.; Scanlan, Carl D., Jr.; Sonnier, Reggie;
Thibodeaux, Darrin; Thibodeaux, Harvey; Zaunbrecher, John;
Zaunbrecher, Reggie

Defendant(s)

Bayer CropScience LP
The Board of Supervisors of LSU and Agricultural and
Mechanical College

Defense Counsel

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US

**Description
of the Case:**

Twenty-six farmer plaintiffs seek compensatory and consequential damages against Bayer CropScience LP and LSU, and exemplary and punitive damages against Bayer CropScience LP, on claims of negligence, nuisance (La. Civ. Code arts. 667-69), and trespass. Plaintiffs also seek an injunction that defendants clean up their properties.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

86113 Div. K

Court

Louisiana - State

15th Judicial District Court for the Parish of
Acadia, State of Louisiana

Judge

Patrick L. Michot

P.O. Box 3075
Lafayette, LA 70502

Plaintiff(s)

Dischler, Sylvia R.

Defendant(s)

Bayer CropScience LP
The Board of Supervisors of LSU and Agricultural and
Mechanical College

Plaintiff Counsel

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Defense Counsel

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**Description
of the Case:**

One farmer plaintiff seeks compensatory and consequential damages against Bayer CropScience LP and LSU, and exemplary and punitive damages against bayer CropScience LP, on a negligence claim. Plaintiff also seeks an injunction that the defendants clean up her property.

**Status of
the Case:**

Bayer CropScience LP filed an answer on November 19, 2007.

Case Number

10-18073

Court

Louisiana - State

38th Judicial District Court for the Parish of
Cameron, State of Louisiana**Judge**

H. Ward Fontenot

P.O. Box 578
Cameron, LA 70631**Plaintiff(s)**

Gayle, Kurt; Fletcher, W.E.; Vail, Brandon; Vail, Mark

Defendant(s)Bayer CropScience LP
The Board of Supervisors of Louisiana State University and
Agricultural and Mechanical College**Plaintiff Counsel**Stephen B. Murray
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US**Description
of the Case:**

Four farmer plaintiffs seek compensatory and consequential damages against Bayer CropScience LP and LSU, and exemplary and punitive damages against Bayer CropScience LP, on claims of negligence, nuisance (La. Civ. Code arts. 667-69), and trespass. Plaintiffs also seek an injunction that defendants clean up their properties.

**Status of
the Case:**

No responses to the complaint have yet been filed.

Case Number

3:06-cv-0791

Court

Texas - Federal

United States District Court for the Southern
District of Texas, Galveston Division**Judge**

Samuel B. Kent

United States Post Office and Courthouse
601 Rosenberg, Room 411**Plaintiff(s)**

The Simpson Company

Defendant(s)Bayer CropScience LP, Bayer CropScience Holding, Inc.,
Bayer Corporation, Bayer CropScience USA LP, Aventis
Cropscience Holding, Inc., n/k/a Starlink Logistics, Inc.,
Texas Rice Improvement Association, Jacko Garrett**Plaintiff Counsel**James L. Reed
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713-986-7000**Defense Counsel**(Bayer)
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Charles W. Schwartz
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
1000 Louisiana, Suite 6800
Houston, TX 77002
713-655-5160**Description
of the Case:**

Rice buyer plaintiff brings suit against Bayer CropScience LP, Bayer CropScience Holding, Inc., Bayer Corporation, Bayer CropScience USA, LP, Aventis CropScience USA Holding, Inc. (n/k/a Starlink Logistics, Inc.), Texas Rice Improvement Association, and Jacko Garrett. Plaintiff alleges damages resulting from its purchase of rice from rice millers for international sale. Plaintiff seeks compensatory damages from the Bayer defendants based on claims of negligence, negligence per se (alleged violation of federal law and regulations), public nuisance, and strict liability. Plaintiff seeks injunctive relief against Texas Rice Improvement Association and Garrett to allow it to test for the presence of LLRice and to prevent the sale of any rice that has tested positive for LLRice.

**Status of
the Case:**

The defendants have answered the complaint and plaintiff has served discovery. The Bayer defendants removed the case in December 2006; the case was subsequently remanded to the 23rd Judicial District Court of Matagorda County, Texas. After remand, on October 24, 2007, defendants Texas Rice Improvement Association and Garrett removed the case once again, and it is currently pending in the U.S. District Court for the Southern District of Texas. Plaintiffs filed a motion to remand on November 16, 2007.